

06.01.2025

Item No.2

Ct.No.34

rc.

Reject

C.R.M. (SB) 165 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 filed in connection with Nager Bazar Police Station Case No. 215 of 2024 dated 12th August, 2024 under Sections 498A/323 of Indian Penal Code along with Sections 8/12 of The Protection of Children from Sexual Offences Act, 2012.

And

In Re : **XXX**

... Petitioner.

Mr. Prattay Kumar Khan
Mr. Somdev Ash
Mr. D. Guha

... for the Petitioner.

Mr. Debasish Roy
Mr. Bidyut Kumar Ray

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for 147 days upon being falsely implicated. He is the father of the victim girl and the present complaint is a result of strained relationship between the petitioner and his wife.

Learned counsel for the State produces the Case Diary, particularly statements of the victim girl and her brother recorded under Section 164 of the Code of Criminal Procedure and opposes the prayer.

Allegation against the petitioner is extremely serious, more so, since the petitioner appears to be the father of the

victim girl. Charge sheet has been submitted. Trial is yet to commence.

Considering the material available in the record and Case Diary, particularly the statements of the victim girl and her brother recorded under Section 164 of the Code of Criminal Procedure prayer for bail is rejected at this stage.

CRM (SB) No. 165 of 2024 is disposed of accordingly.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)